

**Staff
Summary
Report**



**To: Mayor & City Council
Through: City Manager**

**Agenda Item Number 27
Meeting Date 09/20/01**

SUBJECT: ORDINANCE FOR ADOPTION

PREPARED BY: JIM CRISTEA, ENGINEERING MANAGER, LAND SERVICES (x8417)

REVIEWED BY: NEIL MANN, DEPUTY PW MANAGER/CITY ENGINEER (x8250)

BRIEF: This is the **second** public hearing to abandon a portion of excess City right-of-way.

COMMENTS: **ABANDONMENTS (0901) ORDINANCE NO. 2001.22** This is the second public hearing to abandon a portion of excess City right-of-way at the northwest corner of Beck Avenue and University Drive, in exchange for Benton-Robb's conveyance of 14 feet of additional right-of-way along University Drive.

Document Name: (20010920PWDR01) Supporting Documents: Yes

SUMMARY: The City of Tempe is abandoning a portion of Beck Avenue adjacent to the Benton-Robb development (at the northwest corner of Beck Avenue and University Drive) in exchange for Benton-Robb's conveyance of 14 feet of additional right-of-way along University Drive. Development Services had agreed that the existing 41 feet of University Drive right-of-way was sufficient for this development's approval. With this abandonment, the University Drive right-of-way will be increased to allow flexibility for future improvements along the University corridor. The value of the parcels is considered similar. Staff supports the land exchange.

RECOMMENDATION:

That the City Council hold a public hearing and adopt Ordinance No. 2001.22 and authorize the Mayor to execute any necessary documents.

Approved by: Howard C. Hargis, Public Works Manager

ORDINANCE NO. 2001.22

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF
TEMPE, ARIZONA, ABANDONING A PORTION OF RIGHT-
OF-WAY AT THE NORTHWEST CORNER OF BECK
AVENUE AND UNIVERSITY DRIVE, TEMPE, ARIZONA

WHEREAS, it has been determined that the City of Tempe owns certain real
property as described herein on Exhibits "A" and "A-1", and,

WHEREAS, the excess right of way is not required by the City of Tempe, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION I. That the City of Tempe does hereby abandon, relinquish and
vacate a portion of excess right of way for Beck Avenue as delineated on Exhibits "A" and "A-1"
attached hereto.

SECTION II. That all rights of the City in that portion of the right of way shall
vest in the record owner(s) to immediate west of the subject property, and shall be subject to the
same encumbrances, liens, limitations, restrictions, and estates as may currently exist on the land.

SECTION III: That the abandonment of the excess right of way is specifically conditioned upon: 1) The vested property owner(s) to the immediate west will dedicate 14 feet of additional right of way for University Drive adjacent to their proposed development. Total right of way width at this location shall be 55 feet. 2) The owners of the property agree to relocate any and all affected utilities lying within the abandoned Beck Avenue right of way at their expense and with the approval of the affected utility.

SECTION IV: That the Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,

ARIZONA this _____ day of _____, 2001.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



BROOKS, HERSEY & ASSOCIATES, INC.
ENGINEERS/SURVEYORS
CONSTRUCTION ADMINISTRATORS

EXHIBIT A

LEGAL DESCRIPTION

Excess Right of Way – NEC Beck Avenue & University Drive

That part of the Southeast Quarter of Section 16, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as shown on STATE PLAT NUMBER 9, Book 23 of Maps, Page 48 and being more particularly described as follows:

Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of said Section 16;

thence West along the South line thereof, 33.62 (recorded 33.61 feet);

thence North 41.00 feet;

thence North 01°04'15" West (recorded North 01°03'19" West), 14.00 feet to the TRUE POINT OF BEGINNING;

thence continuing North 01°04'15" West, 181.71 feet to a point of cusp with a curve concave Easterly and having a radius of 452.50 feet, a radial to said point bears South 88°37'39" West;

thence Southerly along said curve through a central angle of 17°31'32", an arc distance of 138.41 feet to the beginning of a reverse curve concave Westerly and having a radius of 237.69 feet;

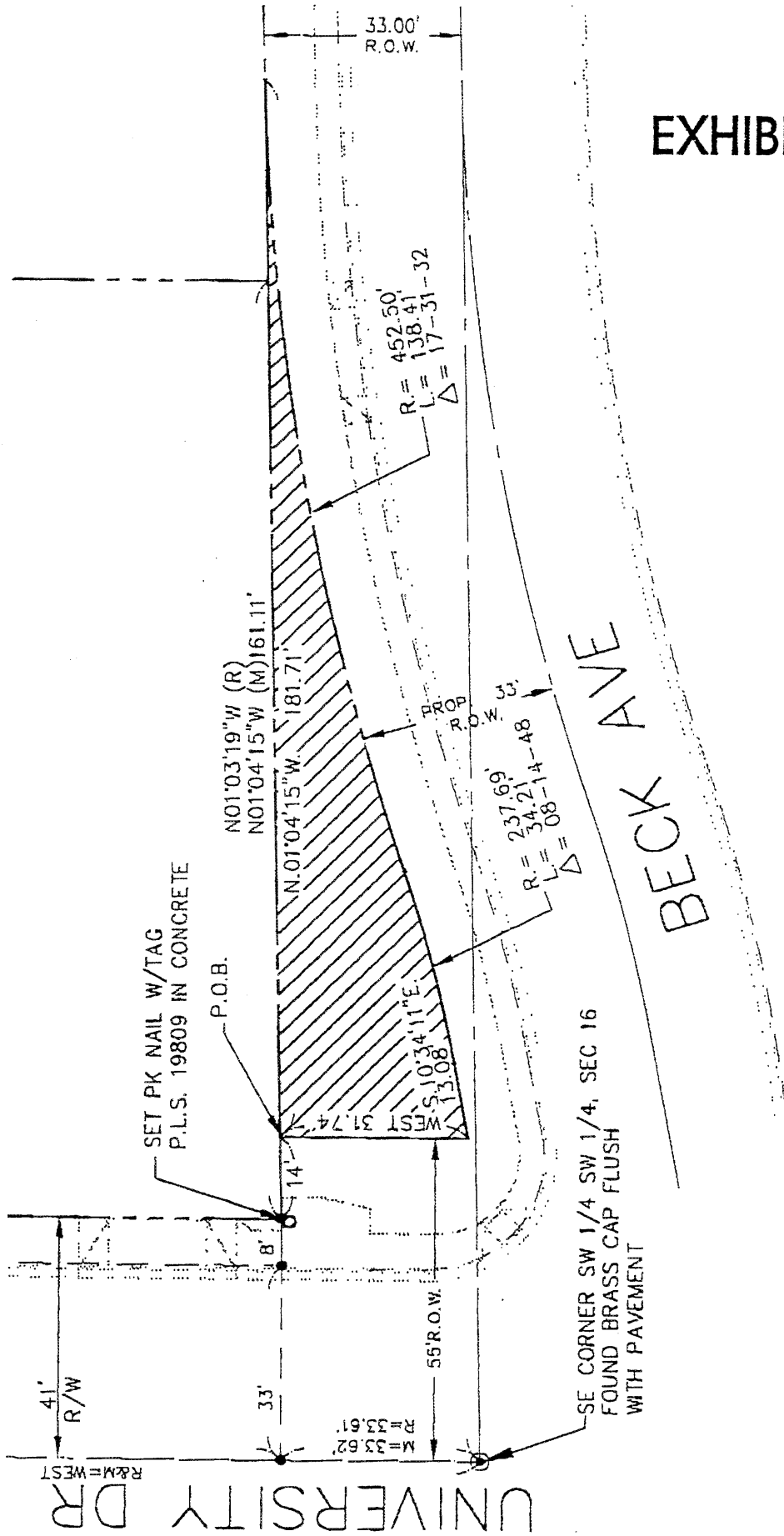
thence Southerly along said curve through a central angle of 08°14'48", an arc distance of 34.21 feet;

thence South 10°34'11" East, 13.08 feet;

thence West 31.74 feet to the TRUE POINT OF BEGINNING.

Described property being in and forming a part of the City of Tempe, Arizona and comprising an area of 2,229 square feet or 0.0512 acres, more or less.

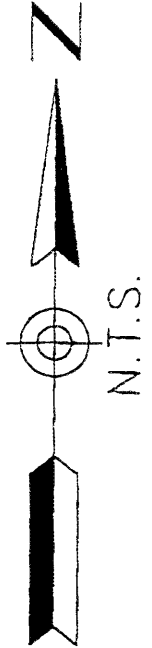




BECK AVE

EXHIBIT A-1

AREA: =2229 SF.
 =0.0512 AC.



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